

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

AUTO-OWNERS INSURANCE
COMPANY,

Plaintiff,

v.

SUNSHINE CAMPING CENTER, INC.,
UNION PLANTERS BANK, N.A., and/or
UNION PLANTERS BANK, N.A., n/k/a
REGIONS BANK, N.A.,

Defendants.

CIVIL ACTION NO.
1:05cv1024-T

NOTIFICATION TO COURT

Defendant Regions Bank (“Regions”) hereby notifies the Court as follows:

1. This lawsuit seeks a declaration that Plaintiff Auto-Owners Insurance Company (“Auto-Owners”) should not be obligated to defend and/or indemnify Defendant Sunshine Camping Center, Inc. (“Sunshine”) from the claims made against it by Regions in that lawsuit pending in the Circuit Court of Dale County, Alabama, Civil Action No. CV-04-251M styled *Regions Bank v. Sunshine Camping Center, Inc., et al.* (“the Regions Lawsuit”).

2. The Honorable Keith Watkins, before he was appointed as Judge for the United States District Court for the Middle District of Alabama, mediated the Regions Lawsuit, and a related and interconnected lawsuit pending in the Circuit Court of Dale County, Alabama, Civil Action No. CV-04-296M styled *Robert M. McAllister v. Sunshine Camping Center, Inc., et al.*. The mediation of these matters were successful to the extent that claims made by Robert McAllister were settled; however, the mediation was unsuccessful in that claims between Regions Bank and Sunshine Camping Center and its principal, Wallace Comer Borland, III

remain outstanding. Those lawsuits are set to be tried in the Circuit Court of Dale County, Alabama on February 13, 2006.

3. Regions Bank is not at this time requesting Judge Watkins to recuse from hearing this matter. However, in an abundance of caution, Regions felt it appropriate to notify the Court and other counsel in this matter of Judge Watkins' prior involvement in matters concerning Regions' claim against Auto-Owners Insured, Sunshine Camping Center.

Respectfully submitted this 20th day of January, 2006.

s/ John G. Smith

Attorneys for Defendant,
Regions Bank, N.A.

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CERTIFICATE OF SERVICE

I certify that on January 20, 2006, the foregoing was electronically filed with the Clerk of the Court of the Middle District of Alabama using the CM/ECF system which will send notification of such filing and/or that a copy of the foregoing has been served by United States Mail, properly addressed and postage prepaid to the following:

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